



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
JULY 18, 2007  
APPROVED AUGUST 28, 2007**

**MEMBERS PRESENT**

Dorothy Carrier, Chair  
Joanne Rogers, Vice Chair  
John Papacosma  
Kenneth Cichon  
Robin Brooks

**MEMBERS ABSENT**

**STAFF PRESENT**

Jay Chace, Planner  
Marsha Hinton, Recording Secretary

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The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Ms. Carrier, Chair.

Ms. Carrier, Chair, read the agenda, explained the hearing process and procedures for Planning Board meetings and reviewed the site visit held on July 16, 2007, attended by all members of the Planning Board and Town Planner, Jay Chace.

**Minutes of June 20, 2007**

Ms. Rogers moved, seconded by Mr. Brooks to accept the minutes of June 20, 2007 as printed. Unanimous Approval

**OLD BUSINESS**

**ITEM 1**

**07-06-02** Holbrook Community Foundation, Site Plan Review – Wharf, Commercial Fishing District, Tax Map 64-42, 984 Cundy's Harbor Road, Harpswell.

Mr. John Loyd drew the Planning Board's attention to the survey prepared by Brian Smith Surveyors and the surveyed property lines. Mr. Loyd discussed conversations he has had with the Code Enforcement Office with regard to the site plan, as built conditions, and the additional setback room the applicant has found as a result of the survey.

Town Planner, Jay Chace, distributed documentation from Mr. Joseph LeBlanc demonstrating that the location of the new wharf will be 26 feet from the property line as well as documentation with regard to financial capacity and proposed lighting.

Ms. Carrier, Chair, opened the floor to members of the public who wished to comment on this agenda item. None being seen, Ms. Carrier, Chair, closed the public portion of the meeting.

The Planning Board discussed the impacts to the upland portion of the site, Site Plan Review Ordinance § 15.21 and the setbacks. Mr. Cichon read into the record the submittal from Mr. Bill Mangum, President, Holbrook Community Foundation, with regard to financial capacity dated June 18, 2007 and the note from Mr. LeBlanc with regard to the utilities and lighting dated June 18, 2007. Mr. Cichon stated that he is satisfied that there are no substantial changes of use. Mr. Cichon added that from the point of view of the application it is a replacement structure and in his opinion there are no outstanding issues.

Mr. Mangum explained that all of the costs have already been paid for with the final exception of \$5,000.00 to build the pier and that the Holbrook Community Foundation has sufficient funds in the bank to cover that expense.

Ms. Rogers moved, seconded by Mr. Brooks that with the submittal of the two additional pieces of information at this evening's meeting and based on the findings, established as part of the record, in the Town of Harpswell Planner's memo dated July 13, 2007 to find that the application of Holbrook's Community Foundation meets the requirements of the Site Plan Review Ordinance, Shoreland Zoning Ordinance and the Basic Land Use Ordinance with the following conditions; Conditions of Approval; Except as otherwise provided in Section 16.4 of the Site Plan Review Ordinance, as may be amended from time to time, the property may be developed and used only as depicted on this approved plan, drawn by LeBlanc Associates and dated June 29, 2007. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board. That confirmation be provided to the Code Enforcement Office that the wharf is constructed in conformance with the setback. Unanimous Approval

## **NEW BUSINESS**

### **ITEM 1**

**07-07-01** Donald W. Clifford & Sharon H. Whitney, Site Plan Review, Interior District, Tax Map 16-458, 1709 Harpswell Neck Road, Harpswell.

Mr. Donald Clifford, applicant, describe the proposal to replace the existing 16' x 22' foot workshop with a 24' x 40' workshop. Mr. Clifford explained that this workshop would exceed the area allowed by the ordinances for a home occupation by 60 square feet. Mr. Clifford explained that the revised site plan showed that the proposed shop would be moved approximately 18 feet from the house.

Mr. Chace informed the Planning Board that with the move of the workshop the proposed structure would still be well within all required setbacks.

The Planning Board discussed the use, the open shed attached to the building, Site Plan Review Standards with extra attention to exterior lighting, stormwater, noise, and the size of the building.

Ms. Carrier, Chair, opened the floor to members of the public who wished to comment on this agenda item. None being seen, Ms. Carrier, Chair, closed the public portion of the meeting.

Ms. Carrier moved, seconded by Ms. Rogers that based on the findings in the Planner's memo dated July 13, 2007 and except as otherwise provided in Section 16.4 of the Site Plan Review Ordinance, as may be amended from time to time, the property shown on the plan received by the Town on July 18, 2007 may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board. Unanimous Approval

**07-07-02** Linda & Stan Weliever, Reconstruction of Non-Conforming Structure, Commercial Fishing District, Tax Map 21-45, 2330 Harpswell Islands Road, Bailey Island.

Mr. Stan Weliever, applicant, described the proposal to stabilize the building by replacing the crumbling cinder blocks with a foundation, replacement of the roof, removal of the roadside deck, and treatment of the siding. Mr. Weliever stated that the structure is currently supported by jacks. Mr. Weliever stated that the building will

be used as a common laundry area for the other cottages and that the half bath would remain. Mr. Weliever stated that a futon would be placed in the proposed laundry area for use by the residents or their overnight guests.

Mr. Chace stated that last month the Planning Board took jurisdiction over this application under Shoreland Zoning Ordinance §10.3.2.3 and that the Board needs to review this application under Shoreland Zoning Ordinance §10.3.

Ms. Carrier, Chair, opened the floor to members of the public who wished to comment on this agenda item. None being seen, Ms. Carrier, Chair, closed the public portion of the meeting.

The Planning Board discussed the previous review and approval, the original characterization by the applicant for use of the site as a family compound, the use of the office, the advertisement of the office as a "bunkhouse", whether the office would be considered a bedroom, septic system design flow capacity, the small size of the site, and whether the proposal is a change of use.

Mr. Chace stated that whether it is sold, rented or kept as a family compound it is still a residential use according to the ordinance and does not constitute a change in use.

Mr. Cichon stated that he was not comfortable acting on this application without getting some determination from the Code Enforcement Office as to whether the proposed use of this separate structure with a bathroom, laundry and sleeping accommodations falls within the design for the septic system.

Mr. Chace stated that a laundry room would not require further review but the applicant has stated that it would be used as an extra bedroom and that may require an additional review under the ordinance standards.

Mr. Weliever stated that he would agree this evening that the half bath would be removed, that no bed facilities would be installed in the structure and they will remove any reference to an extra bedroom from any marketing information.

The Planning Board discussed relocation of the structure to make is less non-conforming, size of the lot, slope of the land, potential for soil erosion, location of other structures, location of septic, and vegetation to be removed.

Ms. Rogers moved, seconded by Mr. Papacosma to find that the application meets the requirements of Shoreland Zoning Ordinance §10.3.1.2.3 as it appears that the structure and new foundation would be placed such that the setback requirements are met to the greatest practical extent as determined by the Planning Board basing its decision on the criteria specified in Shoreland Zoning Ordinance § 10.3.2. Four in Favor (Mr. Cichon, Mr. Papacosma, Ms. Carrier, and Ms. Rogers) One Abstention (Mr. Brooks)

The Planning Board reviewed the requirements of Basic Land Use Ordinance § 13.4.7 as well as the unpermitted deck on the middle cottage which exceeds ordinance expansion allowances.

Mr. Cichon moved, seconded by Ms. Rogers to find that based on the findings of the Planner's memo dated July 13, 2007, the applicant has met the standards §13.4.7 of the Basic Land Use Ordinance with the following conditions; all elements and features of the plan and all representations made by applicant in the record of the Planning Board's July 18, 2007, proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board; that the lavatory be removed from the office building and that no provision for sleeping or overnight occupancy of

the office is allowed and that the applicant submit documentation addressed to the Planning Board and Code Enforcement Office that these actions will indeed occur; and that the applicant be directed to remove such portion or portions of the deck which are non-conforming and reduce the expansion of the middle cottage to below the allowable 30 percent. Unanimous Approval

Mr. Weliever stated that the removal of the deck will happen immediately.

**OTHER BOARD BUSINESS:**

Consideration of Planning Board exercise of jurisdiction over applications pursuant to Site Plan Review Ordinance § 16.4 and/or Shoreland Zoning Ordinance §10.3.2.3. Donna and Les McNelly, Tax Map 24-80, Reconstruction of Non-Conforming Structure

The Planning Board discussed the proposal to expand a non-conforming shed by 19 percent.

Ms. Rogers moved, seconded by Mr. Cichon to remand the application of Donna and Les McNelly to the Code Enforcement Office. Unanimous Approval

Mr. Chace distributed workshop notices from the Maine Municipal Association for Planning Board and Board of Appeals.

Public comment

Ms. Carrier speaking as a member of the public stated that she as well as the other Planning Board members engage in a great deal of volunteer work in the Town of Harpswell.

Mr. Carrier continued. "There have been unhealthy comments made this past month with regard to some decisions this Board made last month. Unkind and unwarranted. I just want to let the public know that this Board in all cases makes a decision based on ordinances voted on and passed by the citizens of this Town. At no time does personal preference or opinion play a role in the decision making process. This Board prides itself in applying the ordinances fairly and consistently. This at times is a thankless job, but a job that is taken very seriously by us and I know that we will continue to do our very best to follow through with the wishes of the Town."

There being no further business before the board Ms. Rogers moved, seconded by Mr. Cichon to adjourn.

Meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant